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MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

EXAMINER
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MENDOZA JR, JORGE

ART UNIT	PAPER NUMBER
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4126

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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/675,073

Applicant(s)

KARAOGUZ ET AL.

Examiner

Jorge Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/21/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/30/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

1. **Claims 1-40** are presented for Examination.

### ***Priority***

A reference to the prior application No. 60/432,472, filed on December 11, 2002, application No. 60/443,894, filed on January 30, 2003, application No. 60/457,179, filed on March 25, 2003, and application No. 60/444,099, filed on January 30, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for benefit of relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

### ***Paper Submitted***

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:

- a. **Information Disclosure Statement** as received on 10/27/2004 is considered.

### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a

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separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated references (US Application No. 10/675,390 & US Application No. 10/660,267) are disclosed in paragraph [02] and incorporated reference (US Application No. 10/675,467) is disclosed in paragraph [54].

### ***Drawings***

4. The drawings are objected to because of the following informalities:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: PC **102** in Figure 1A, home media processing system **122** in Figure 1B, and media channel **411** in Figure 4. In addition, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "**3**" has been used to designate both PC **143** and MPS **144** in Figure 1C. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claim 1-3, 9-13, 19-23, 29-33, & 35-40** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ellis et al (US Pat No. 6,774,926)**.

With respect to **Claim 1**, the claimed “establishing a private television channel to be showed by a first television at a first home and a second television at a second home” is met by Ellis et al. that teach the use of user equipment 34 (consisting of a television, set-top box, HDTV, Web TV, etc.) at a first location in creating content for a personal channel to be viewed by user equipment 34 at a number of 2<sup>nd</sup> locations. (Fig.1 & 3; col.1, lines 26-30; and col.3, lines 19-33). The claimed “associating personal media with said private television channel” is met by Ellis et al. that teach the creation of a personal television channel consisting of personal media, including videos that may be captured using video camera 66 of user television equipment 36 (Fig.1& Fig.3; col.3, lines 19-29; and col. 5, lines 24-35).

With respect to **Claim 2**, the claimed “displaying said personal media along with content of a media broadcast on at least one of said first television and said second television” is met by Ellis et al. that teach the use of television 72 in displaying

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programming from both traditional television channels and from personal television channels (col. 5, lines 45-48).

With respect to **Claim 3**, the claimed “communicating at least a portion of said associated personal media over said private television channel between said first television and said second television” is met by Ellis et al. that teach transmittal of personal media from a contributor at user television equipment 122 to a viewer at user television equipment 124 on an on-demand or real-time schedule (Fig.8 and col.8, lines 18-26).

With respect to **Claim 9**, the claimed “presenting a representation of said private television channel in a channel guide displayed on at least one of said first television and said second television” is met by Ellis et al. that teach the use of a channel guide for presenting to a viewer the scheduling of the personal television channel programs (col. 8, lines 37-49).

With respect to **Claim 10**, the claimed “presenting a representation of said associated personal media for said private television channel in a media guide displayed on at least one of said first television and said second television” is met by Ellis et al. that teach the use of an interactive television program guide in presenting on a second television program title information 136 for personal television channel programs (Fig.9 and col.9, lines 16-26).

**Claim 11** is met as previously discussed with respect to claim 1.

**Claim 12** is met as previously discussed with respect to claim 2.

**Claim 13** is met as previously discussed with respect to claim 3.

**Claim 19** is met as previously discussed with respect to claim 9.

**Claim 20** is met as previously discussed with respect to claim 10.

**Claim 21** is met as previously discussed with respect to claim 1.

**Claim 22** is met as previously discussed with respect to claim 2.

**Claim 23** is met as previously discussed with respect to claim 3.

**Claim 29** is met as previously discussed with respect to claim 9.

**Claim 30** is met as previously discussed with respect to claim 10.

**Claim 31** is met as previously discussed with respect to claim 1.

**Claim 32** is met as previously discussed with respect to claim 1.

**Claim 33** is met as previously discussed with respect to claim 2.

**Claim 35** is met as previously discussed with respect to claim 2.

**Claim 36** is met as previously discussed with respect to claim 3.

With respect to **claim 37**, the claimed “a communication network; and a processor communicatively coupled to the communication network” is met by Ellis et al. that teach a communication network, i.e. the internet, and data storage facility 52 (Fig. 1). The claimed “said processor delivers via said communication network, a user interface; said user interface facilitating creation of a personal television channel; and said processor participates to establish the personal television channel on the television display” is met by Ellis et al. that teach the use of a program schedule database 54, located in the data storage facility 52, in providing a contributor of personal television

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channel programming a data collection application that facilitates the scheduling of the data for the personal channel and thereby provides scheduling information to a viewer (Fig.2 and col.5, lines 6-12 and col.8, lines 37-49).

With respect to **claim 38**, the claimed "user interface is a web page" is met by Ellis et al. that teach the use of web page as an interface for a contributor to schedule programming on the personal television channel (col.5, lines 12-14).

With respect to **claim 39**, the claimed "a processor communicatively coupled to the communication network" is met by Ellis et al. that teach a set top box 62 coupled to a communication network, i.e. the internet (Fig.1). The claimed "a personal television channel viewable on the television display established through participation by said processor; and a visual interface provided by said personal television channel to support selective consumption of the personal media from the storage on the television display" is met by Ellis et al. that teach set top box 62 and a television 72 used by viewers to receive broadcast & personal television programming channels, along with scheduling information for such channels that allow viewers to select personal programming and thus enable its retrieval from a server 128 located at a remote location (Fig.1, 3, & 8; col. 2, lines 65-67; col.3, lines 1-3; col.5, lines 45-47; col. 7, lines 39-48; and col.8, lines 18-26).

With respect to **claim 40**, the claimed "said visual interface is a graphical interface navigable by at least one of a remote control, a pointing device, and touch screen" is met by Ellis et al. that teach the use of an interactive television program guide in obtaining the channel schedule information provided on a television 72 on which



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information can be controlled by the use of a remote control, pointing device, touch screen, etc. (col.5, lines 45-60 and col. 8, lines 50-67).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 4, 5, 14, 15, 24, & 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al. (US Pat No. 6,774,926)** in view of **Moynihan (US Pat. Application Publication 2002/0056119)**.

With respect to **Claim 4**, Ellis et al. teaches the use of user equipment 34 (consisting of a television, set-top box, HDTV, Web TV, etc.) at a first location in creating content, i.e. video, for a personal channel to be viewed by user equipment 34 at a number of 2<sup>nd</sup> locations, as discussed above with respect to claim 1. However, Ellis et al. does not teach the claimed "selecting said second television from a user interface of said first television". Moynihan teaches a method of selecting viewers (2<sup>nd</sup> users) for the receipt of personal media created by a channel owner (1<sup>st</sup> user) from a user interface (Fig.15 and paragraphs [0056, [0088], & [0089]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Moynihan with those of Ellis et al., in order to provide the creator of the channel the added option of selectively sending out the private television channel. A person with ordinary skill in the art would have been motivated to make the modification to Ellis et al. in order to provide a more efficient and secure manner in which to selectively broadcast a personal channel.

With respect to **Claim 5**, the claimed "selecting said second television from at least one of a list and a profile displayed on said first television" is met by Moynihan that teaches the listing of 2<sup>nd</sup> users, designated as viewers on the display of the 1<sup>st</sup> user, designated as the channel creator (Fig. 15 and paragraph [0088]).

**Claim 14** is met as previously discussed with respect to claim 4.

**Claim 15** is met as previously discussed with respect to claim 5.

**Claim 24** is met as previously discussed with respect to claim 4.

**Claim 25** is met as previously discussed with respect to claim 5.

9. **Claims 6-8, 16-18, 26-28, & 34** rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al. (US Pat No. 6,774,926)** in view of **Zustak et al. (US Pat Application Publication 2002/0104098)**.

With respect to **Claim 6**, Ellis et al. teaches the method of claim 1 as discussed above. However, Ellis et al. does not teach the claimed "determining at least one identifier associated with one of said first television and said second television". Zustak et al. teaches a system in which a channel of television programming, created by an

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individual subscriber, is transmitted to a number of subscribers by addressing the IP addresses of the set-top box, which may be integrated into a television set 322, 324, 326, & 328), at select locations (paragraphs [0005], [0040], [0043], and Fig.3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zustak et al. with those of Ellis et al., in order to provide a manner in which to identify individual subscribers on a communication network. A person with ordinary skill in the art would have been motivated to make the modification to Ellis et al. in order to give the creator of a private television channel the benefit of streamlining content to a selective group of viewers.

With respect to **Claim 7**, the claimed “wherein said at least one identifier is at least one of a device ID, a serial number, a medium access control (MAC) address and an Internet protocol (IP) address” is met by Zustak et al. that teach the use of an IP address in selectively addressing individual subscribers for the receipt of personal programming (paragraphs [0016] & [0043]).

With respect to **Claim 8**, the claimed “establishing said private television channel between said first television and said second television based on said at least one identifier” is met by Zustak et al. that teach the transmittal of the personal media channel to individual subscribers, using IP addresses, on a real-time or an on-demand basis (paragraph [0045]).

**Claim 16** is met as previously discussed with respect to claim 6.

**Claim 17** is met as previously discussed with respect to claim 7.

**Claim 18** is met as previously discussed with respect to claim 8.

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**Claim 26** is met as previously discussed with respect to claim 6.

**Claim 27** is met as previously discussed with respect to claim 7.

**Claim 28** is met as previously discussed with respect to claim 8.

**Claim 34** is met as previously discussed with respect to claim 8.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Novak (US Pat Application Publication 2002/0104099)** teaches a system in which an individual can upload media content for the distribution to an end user via a 'synthetic' channel.

**Navar (US Patent 7,080,400)** teaches a method for distributed storage and presentation of multimedia in a cable network environment.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 8660217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jorge Mendoza Jr.

October 15, 2007

  
DENNIS DOON CHOW  
SUPERVISORY PATENT EXAMINER